

GOA STATE INFORMATION COMMISSION
'Kamat Towers', Seventh Floor, Patto, Panaji – Goa

CORAM: Shri Juino De Souza: State Information Commissioner

Appeal No: 102/2019/SIC-II

Shri Viraj V. Bakre,
317, Devlay, Khandola,
Marcela, Ponda Taluka Goa
403107.

..... Appellant

v/s

1. Public Information Officer,
Dy. Conservator of Forests,
North Goa Division,
Ponda Goa 403401.

2. Public Information Officer,
Dy. Conservator of Forests,
South Goa Division,
Margao Goa 403601.

..... Respondents

3. First Appellate Authority,
Dy. Conservator of Forests (HQ),
O/o Principal Chief Conservator
of Forests, Panaji – Goa.

Relevant emerging dates:

Date of Hearing : 23-10-2019

Date of Decision : 23-10-2019

ORDER

1. **Brief facts** of the case are that the Appellant vide an RTI application dated 13/08/2018 sought information u/s 6(1) from the PIO O/o Principal Chief Conservator of Forest, Junta House Panaji-Goa. The information pertains to main three points. In point No.1 the Appellant is seeking to provide tree cutting permissions (Form-E) granted for cutting trees along High way stretches 1) NH 17, Patradevi to Polem Check post. 2) NH 44 Galjibag to Polem road,. 3) NH 17B Farmagudi Circle to Vernapuri Gate. 4) NH 4A Panaji to Mollem, NH 44 Dhargal to Usgao Road and 6) State HW Old Goa circle via Dhauji Gaundalim Bridge till Govt. College Candola. In POINT NO 2 to Provide presently applicable clauses in the forest/ Trees Act which specifies mandatory replanting of tress and the number of trees to be planted in lieu of felled trees and in point no 3 to provide the State's Tree Planting policy if any for planting trees along the newly constructed State Highways, internal roads in the mega housing projects and the developed plots for construction dwellings. ..2

2. It is seen that the PIO O/o Principal Chief Conservator of Forest transferred the RTI application under Section 6 (3) vide Letter No.9-21(PIO-N)-05/FD/18-19/2421 dated 06/08/2018 to the PIO Dy. Conservator of Forest North/South Goa Division, Ponda/Margao Goa. It is further seen that vide letter No.1/SGF/RTI/2018-2019/1582 dated 18/09/2018, the PIO Dy. Conservator of forest (S) Goa Div. furnished information in tabulation form at point No.1, 2, 3. In point No.1, it was stated to collect copies of NOC issued by this office for tree cutting permission for construction of National High available in the office after paying necessary fees. At point No.2, it was informed that section 10 of preservation of trees Act 1984 provides for obligation to plant trees and as per condition recorded by tree Officer two trees are to be planted in lieu of every one tree felled and at point No.3 Tree felling is permitted on condition to replant twice number of trees felled.
3. It is also seen vide another letter No. 7/DCFN/RTIA-101/2018-19/251/1223 dated 19/08/2018 the PIO, Dy. Conservator of forest (North) Division, Ponda initially informed the Appellant that some more time is required to furnish the information and finally vide letter 7/DCFN/RTIA-101/2018-19/363/1707 dated 14/12/2018 furnished information in tabulation form at points No.1, 2, & 3. In point No.1 it was stated that Form E is not applicable to Government land however NOC for felling of trees to National High way Division of PWD has been granted over the year and details were furnished year wise by way of 23 pages of information documents to the Appellant. Also information at points No. 2 and 3 has been furnished.
4. Not satisfied with the information furnished, the Appellant filed a First Appeal on 07/01/2019 and the First Appellate Authority (FAA) after issuing notices passed an Order dated 06/03/2019 after hearing the parties directing both the PIO's, North and South to reevaluate the reply provided to Appellant and furnish information on the points raised by Appellant within three weeks of time.

5. Being aggrieved that some information is not furnished by the PIO's pursuant to the Order of the First Appellate Authority, the Appellant subsequently filed a Second Appeal registered with the Commission on 17/04/2019 and prayed to direct the PIO to provide information free of cost and other such reliefs.
6. **HEARING:** This matter has come up before the Commission on three previous occasions and hence taken up for final disposal. During the hearing the Appellant is present in person. The APIO, Shri. A.G. Samant, Asstt. Conservator of Forest, North Division is present in person. The FAA is absent.
7. **SUBMISSIONS:** At the outset the Appellant submits that while he has received all information from the PIO, the South Goa Division, however complete information has not been received from the PIO, North Goa Division of some stretches. The Appellant further submits that it is the bounden duty of the public authority to implement Section 4(1)(a) and 4(1)(b) in letter and spirit and the number of all such trees that have been felled along the High way and also the replanted trees should be hosted on the website. The Appellant files written submission with enclosures, a copy of which is taken record and one copy is served on the other side.
8. The Respondent APIO submits that all information as was available has been furnished to the Appellant and there is no other information remaining to be furnished.
9. The Commission after hearing the submission of the respective parties and perusing the material on record finds that both the PIO's have indeed furnished all information as available in the records in tabulation form vide letter no 7/DCFN/RTIA-101/2018-19/363/1707 dated 14/12/2018 and letter No.1/SGF/RTI/2018-2019/1582 dated 18/09/2018. The Commission also finds that the Appellant was satisfied with the information provided by the PIO, South Goa division and had requested the Commission to drop the said Respondent from the proceedings at the hearing held on 26/08/2019 and accordingly Respondent No.2 was dropped. ..4

10. The Commission finally finds that there is no dispute regarding the information provided by the PIO at points 2 and 3 of the RTI application and in the course of the hearing the Appellant has stated that he is interested in receiving information at only point 1(a) i.e. National High way (NH 17) stretch from Patradevi to Pollem check post. In this connection the Commission finds that the PIO has also furnished this information as pursuant to the Order of the First Appellate Authority (FAA), a letter was sent to the Appellant to collect the information and the appellant has collected 23 pages of information documents.
11. As stipulated in the RTI Act, the role of the PIO is to furnish information as is available, how is available, what is available and if available. The PIO is not called upon to create the information or to do research information or to analyze information merely to satisfy the whims and fancies of the Appellant. The very fact that the PIO has furnished information in tabulation form as was available is sufficient to prove the bonafide that there is no malafide intention on the part of the PIO either to deny or conceal the information which is mandate of the RTI Act .

As information has been furnished, nothing further survives in the Appeal case which accordingly stands disposed.

12. The Commission directs the public authority to take urgent steps for implementation of 4(1)(a) and 4(1)(b) so as to ensure that all information particularly with respect of NOC's issued for felling of trees along the National Highways and also twice the number of trees planted in lieu of the felled trees is hosted on the website in public interest.

Pronounced before the parties who are present at the conclusion of the hearing. Notify the parties concerned. Authenticated copies of the order be given free of cost.

**Sd/-
(Juino De Souza)
State Information Commissioner**